

SIKKIM



GOVERNMENT

GAZETTE

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Gangtok

Monday 17th October, 2016

No. 385

**EXCISE (ABK) DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK**

No. 8(A)/Ex(ABK)

Dated: 06.10. 2016

NOTIFICATION

In exercise of the powers conferred by clause (a) of section 77 read with section 10 of Sikkim Excise Act, 1992 (2 of 1992) the State Government hereby makes the following rules, namely:-

CHAPTER -1

Preliminary

- | | | |
|---|----------|--|
| Short title, extent and commencement:- | 1 | (1) These rules may be called the Sikkim Excise (Homemade Wine) Rules, 2016.
(2) They shall extend to the whole of Sikkim.
(3) They shall come into force on the date of their publication in the Official Gazette. |
| Definitions | 2 | In these rules, unless the context otherwise requires:-
(a) "Act" means the Sikkim Excise Act 1992;
(b) "Commissioner" means the Commissioner of Excise;
(c) "Homemade Wine" means the homemade wine prepared from locally available fruits/flowers and whose percentage of alcohol should not exceed 12%;
(d) "Laboratory" means the Laboratory of the Chemical Examiner of the Excise Department Government of Sikkim;
(e) "License" means a license granted under these rules;
(f) "Officer-in-charge" means an Excise officer of the rank of Sub-Inspector or Inspector of Excise who has been authorized by the Commissioner;
(g) "Wine" means the fermented juice of ripe fruits/flowers with or without the addition of sugar or jaggery, containing self generated alcohol but no addition of cereals or any kind of spirit, the pulp content should not be less than 75 %. |

CHAPTER II

Application for license-

- 3 (1) Any person or a registered firm desirous to obtain a license for preparation of homemade wine in any place in Sikkim shall apply in writing in Form-W-I to the Commissioner of Excise.
- (2) The applicant shall furnish the following particulars and documents along with the application Form to the Commissioner :-
- (i) The name and the address of the person applying;

Provided that if the applicant for a license is a firm, the application shall be accompanied with the name of the place where the Homemade wine is to be prepared;

- (ii) Copies of Certificate of Identification /Sikkim Subject Certificate of the applicants.

Grant of license

- 4 On receipt of the details under sub-rule (2) of rule 3, the suitability of the site and building shall be examined by the officer authorized by the Commissioner and if the Commissioner is satisfied, the license shall be granted in Form-W-II on payment of annual license fee along with security deposit amount equivalent to license fee as may be notified by the Government from time to time.

Analysis of liquor

- 5 (1) On completion of the preparation of wine the licensee shall report to the concerned Deputy Commissioner Excise for drawal of sample. The license shall then permit to take 3 (three) free sample for analysis in the Department's laboratory.
- (2) The 3 (three) free samples drawn shall be of 750 ml each.
- (3) The sample shall be sealed in presence of licensee and Excise personnel, one sample shall remain with licensee, second sample will be forwarded to Commissioner Excise (Abk) Department and third sample shall be forwarded to Chemical Examiner for analysis.
- (4) The sealed samples shall have details as under, namely:-
- (a) Name of licensee:
- (b) Place:
- (c) Wine prepared from:
- (d) Strength:
- (e) Fermentation: Start date _____ End Date _____

License to inscribe certain details on the labels

6. (1) Every bottle containing wine preparation shall bear a label correctly and truly specify-
- (a) the place of origin of wine;
- (b) the description of wine (including the strength of liquor and minimum content);
- (c) the place of bottling;

		(d) the name of the bottler;
		(e) the fact that the preparation and bottling was done in the state of Sikkim;
	(2)	The labels on the bottles shall be so affixed as to be easily distinguishable. No labels shall be pasted over the word, letter and figures moulded or sandblasted thereon.
Registration of labels	7	<p>(1) The labels used shall be registered by the Commissioner Excise and shall be renewed every year on payment of fee as may be notified by the Government from time to time.</p> <p>(2) The wine shall be bottled in packs of 750 ml, 375 ml and 180 ml in glass bottles only and shall be properly sealed.</p> <p>(3) The licensee shall declare his/her cost price along with Market Retail Price to the Department for approval.</p>
License to maintain records	8	The licensee shall maintain records in proper registers as required by these rules. The records shall be written every day by the licensee and it shall be the duty of the officer-in-charge to check the record register from time to time.
Inspection by the Officer	9	The licensee shall at any time permit the Excise officer or any officer of the Excise Department not below the rank of a Sub-Inspector as directed by the Commissioner to inspect and examine his premises, storehouse, utensils and the wine made or stored therein and shall render the inspecting officer all proper assistance in making such inspection and examination.
Conditions of license	10	<p>(1) Licensee shall be renewed every year.</p> <p>(2) The licensee shall not dilute or adulterate the wine or store or permit to be stored any wine which he/she knows to be diluted or adulterated.</p> <p>(3) The licensee shall not be permitted to sell his product to licensed Foreign Liquor Retail Shop (FLR).</p> <p>(4) The licensee shall sell his products only to individuals desirous to sell the products during festivals, melas, mahotsavs, bar/homestays etc.</p> <p>(5) The licensee shall maintain the daily stock position and sale accounts in the prescribed register.</p> <p>(6) The licensee shall affix a sign board on the outside of the premises with the following inscription namely:-</p> <p>(a) Name of the licensee-</p> <p>(b) License Number /year.....</p> <p>(c) Place of the locality-</p> <p>(d) Name of the Unit if any-</p> <p>(e) License to sell -</p> <p>(f) Time and hour of sale-</p>

- (7) (i) The license shall not sell wine on the following days namely:-
- (a) dry days declared by the Government by Notification;
 - (b) days for General Election or bye-election as per the guidelines of the Election Commission of India and State or local election conducted by statutory authority covering the area of the location of the shop/premises;
 - (c) days declared by the Government to remain closed on accounts of proximity of the troops or for other emergent reason. During the day/days when the shop is to be kept closed, the licensee shall display a board with the inscription of "Dry Day" in bold letters at prominent place in the licensed premises.
- (ii) The license shall not sell the wine to the following persons, namely:-
- (a) persons below 18 (eighteen) years of age;
 - (b) students either of school or college and
 - (c) the Armed Forces of the union, members of Police forces or any personnel in uniform.

**Grant of
Bar license**

- 11** 1. Any person or a registered firm desirous to sell homemade wine shall apply for grant of license to the Commissioner in Form-W- III.
2. After examination of applications and spot verification if the Commissioner is satisfied the License shall be granted in Form-W-IV on payment of requisite fee as prescribed by the Government from time to time.
3. The license so granted shall be for the exclusive sale of home made wine only and shall not be used for sale of Indian Made Foreign Liquor, Indian Made Foreign Liquor and Beer imported from other state, Beer or Wine or in combination with normal bar in restaurants or hotels.

**Grant of
Temporary
Bar license**

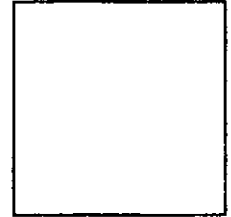
- 12** Any person or a registered firm desirous to sell homemade wine in melas, mahotsavs, tourist festivals, etc. shall apply to the Department and license shall be granted on payment of requisite fee as prescribed by the Government from time to time.

Yashoda Bhandari
Secretary
Excise (Abk) Department
Government of Sikkim
Gaantok

Form W-I

(See rule 3)

APPLICATION FOR LICENSE FOR PREPARATION OF HOMEMADE WINE



To,

The Commissioner of Excise
Government of Sikkim
Gangtok

Sir/Madam

I/We/am/are _____ under
name _____ desirous of obtaining license for preparation of
Homemade wine at my/own premises at _____ East/North/South/West District. I/We
agree to abide by the provisions of the Sikkim Excise (Preparation of Homemade wine) Rules, 2016.

I/We have submitted herewith the details as required under rule 3 of the Sikkim Excise
(Homemade Wine) Rules, 2016 as enclosed.

Yours faithfully,

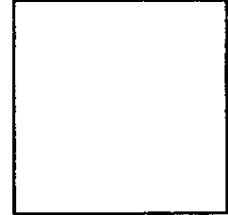
Dated

Place:

Form- W-II

(See rule 4)

LICENSE FOR PREPARATION OF HOMEMADE WINE



License No...../Ex (Abk)

Dated:.....

Name of firm/individual:.....

Location:.....

This license is hereby granted under the provision of the Sikkim Excise Act 1992 and the Sikkim Excise (Homemade Wine) Rules, 2016 .

To.....

s/o.....

Resident of

Police Station.....

District.....

on payment of annual fee of Rs./-

(Rupees.....) only vide challan

No. dated and security deposit of equivalent amount in form

of FDR No. dated subject to renewal for every year.

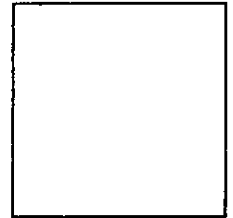
The license is granted for the exclusive sale of home made wine only and shall not be permitted in combination with sale of Indian Made Foreign Liquor , Indian Made Foreign Liquor and Beer imported from other state, Beer or Wine.

Commissioner /Excise

Form -W-III

(See rule 11)

APPLICATION FOR LICENSE FOR SALE OF HOMEMADE WINE



To,

The Commissioner of Excise
Government of Sikkim
Gangtok

Sir/Madam

I/We/am/are _____ under name
_____ desirous of obtaining license for sale of Homemade wine at
my/own premises at _____ East/North/South/West District. I/We agree to
abide by the provisions of the Sikkim Excise Act 1992, and the Sikkim Excise (Homemade
Wine) Rules, 2016.

I/We have submitted herewith the details as required under rule 3 of the Sikkim Excise
(Homemade Wine) Rules, 2016 as enclosed.

Yours faithfully,

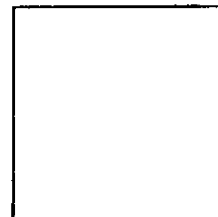
Dated

Place:

Form W-IV

(See rule 11)

LICENSE FOR HOME MADE WINE (BAR/HOMESTAY)



License No...../Ex(Abk)

Dated:.....

Name of Hotel/Homestay:_____

Address:_____

This license is hereby granted under the provision of the Sikkim Excise Act 1992 and the Sikkim Excise (Homemade Wine) Rules, 2016 .

To_____

s/o_____

Resident of _____

Police Station_____

District_____

on payment of annual fee of Rs. _____/-

(Rupees_____) only vide challan

No._____ dated_____ and security deposit of equivalent amount in form

of FDR No._____ dated_____.

Commissioner /Excise